

20-mj-344 BRT

STATE OF MINNESOTA)
)
COUNTY OF RAMSEY) ss: AFFIDAVIT OF F.M. STEPHENS

Your affiant, F.M. STEPHENS, being duly sworn, does hereby depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) within the United States Department of Justice and have been so employed since March 2000. I primarily work in the Minneapolis, Minnesota division. Prior to my employment with the FBI, I served as an Indiana State Trooper for approximately 3 years. As a Trooper my duties included criminal investigation, traffic offenses, and gaming regulation. During my tenure with the FBI, I have actively participated in investigations, including violent crimes in Indian County and international terrorism. Since 2009, I have been the Minneapolis Division Weapons of Mass Destruction Coordinator and have experience investigating explosives. I have a Bachelor's Degree from Indiana University.

2. As a federal agent, I am authorized to investigate violations of United States laws and to execute warrants issued under the authority of the United States.

3. This Affidavit is submitted in support of a Complaint against Matthew Lee RUPERT, charging him with Civil Disorder (18 U.S.C. § 231(a)(3)), Carrying on a Riot (18 U.S.C. § 2101), and Possession of Unregistered Destructive Devices (Title 26 U.S.C. §§ 5845(f), 5861(d) and 5871).

4. I am familiar with the facts and circumstances in this Affidavit as a result of my personal participation in this investigation as well as my review of official reports and records and conversations with other law enforcement officers described below. Since this

Affidavit is being submitted for the limited purpose of supporting probable cause for a criminal complaint and arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause that Matthew Lee RUPERT violated Title 18 U.S.C. §§ 213(a)(3), 2101, and Title 26 U.S.C. §§ 5845(f), 5861(d), and 5871.

Details of the Investigation

5. On May 25, 2020, George Floyd died while in the custody of the Minneapolis Police Department. The nature and circumstances of Mr. Floyd's arrest, subsequent death, and the actions of the Minneapolis Police Department came under intense public scrutiny. Almost immediately following Mr. Floyd's death, public protests began in Minneapolis and began expanding throughout the Twin Cities metro area.

6. I have reviewed the Facebook Account bearing display name "El Ricco Rupert" with username "ricco.rupert.75" and user ID 100048401743589 (Facebook Account). I believe that this account is operated by Matthew RUPERT, a resident of Galesburg, Illinois.

7. On or about May 28, 2020, at 10:53 p.m., RUPERT posted to his Facebook Account "I'm going to Minneapolis tomorrow who coming only goons I'm renting hotel rooms." Earlier that same evening, RUPERT posted other messages on his Facebook Account referencing the public protests occurring in the Twin Cities following the death of Mr. Floyd.

8. On or about May 29, 2020, at 7:54 p.m., RUPERT posted a video to his Facebook Account indicating that he was in Minneapolis, Minnesota, to participate in the

public protests regarding the death of Mr. Floyd. The video—apparently filmed by RUPERT holding his own cell phone—was marked as a “live” video and lasts 2 hours and 6 minutes. The video depicts RUPERT—who has distinctive gold teeth on his lower gums—wearing a black t-shirt, white sweatpants, white shoes with red tips, and a white hat. In the video, RUPERT passes out explosives he indicates he possessed, encourages others to throw his explosives at law enforcement officers, actively damages property, appears to light a building on fire, and loots businesses in Minneapolis. Law enforcement subsequently downloaded the posted video to pinpoint time stamps documenting RUPERT’S actions.

9. In the video, at timestamp 0:01, RUPERT stated “There are SWAT trucks up there. They got SWAT trucks up there . . . I’ve got some bombs if some of you all want to throw them back . . . bomb them back . . . here I got some more . . . light it and throw it.” RUPERT makes these statements as he hands out an item with brown casing and a green wick to other individuals. Based on my knowledge, experience, and investigation, the depicted device that RUPERT hands out to other individuals appears to be a commercial item with a cylindrical container, hobby fuse, and a main charge capable of exploding (destructive device).

10. At timestamp 0:31, RUPERT stated “Light that bitch and throw it at them.” Another unknown male then lit an explosive and threw it. RUPERT goes on to state “he’s throwing my bombs” . . . “they’re going to bomb the police with them.” Shortly thereafter, an explosion is audible in the video and RUPERT repeatedly yelled “good shot my boy” and “Fuck 12.” I know from my training and experience that the term “Fuck 12” is a

derogatory phrase often directed at law enforcement officers. At time stamp 5:11, RUPERT stated “we came to riot.”

11. At timestamp 41:15, RUPERT stated “Let’s go fuck up the liquor store.” RUPERT provided a tool that is used to pry a plywood board loose. Shortly thereafter, at time stamp 42:14, RUPERT states “We need to start on a different board.” Rupert volunteers to go into the structure and then confirms the liquor store is empty.

12. At time stamp 1:41:40, RUPERT asked for lighter fluid. RUPERT then enters a Sprint store and, at time stamp 1:45:17, RUPERT stated, “I lit it on fire.” RUPERT then goes to a nearby Office Depot and, at time stamp 1:55:54, stated “I’m going in to get shit.” At time stamp 1:54:59, RUPERT videos himself taking items from the store.

13. I was on duty in Minneapolis on the night of May 29, 2020, and I recognize many of the areas depicted in RUPERT’s video. I also am aware that the Third Precinct of the Minneapolis Police Department burned down during the late evening of May 29, 2020, and the early morning of May 30, 2020. The combination of these events—along with the 7:54 p.m. timestamp of RUPERT’S posted video—confirm for me that RUPERT’s video depicts events occurring in Minneapolis, Minnesota, during the evening of May 29, 2020.

14. On or about May 30, 2020, at approximately 9:00 p.m., RUPERT posted on the Facebook Account stating:



RUPERT posted in the comment section of the post that he was headed back to Minneapolis or possibly going to Chicago. Specifically, RUPERT stated “comr with bro Chicago let’s go” and “We will be back bro we can loot til 2:30.”

15. On or about May 30, 2020, at approximately 10:02 p.m., RUPERT posted to the Facebook Account that he was “Omw to Chicago stay tuned 2 hours out.” On or about May 31, 2020, at approximately 12:40 a.m., RUPERT posted multiple videos to the Facebook Account showing him in and around the Chicago area. Specifically, RUPERT is seen walking with associates in the area of Van Buren Street and Dearborn Street while wearing an American flag bandana and a white baseball cap. In one video RUPERT states he is at “South Plymouth and Ida B Wells” waiting for his brother. RUPERT can be heard saying things to the effect of “let’s start a riot” and “I’m going to start doing some damage.” RUPERT enters a merchant store after stating there is a cash register. He then verbalizes that the cash register is empty and exits the merchant store. RUPERT then precedes to enter a convenience store that had been broken into and is depicted placing items into his

backpack. RUPERT references having a number of boxes of what appear to be tobacco products in his backpack.

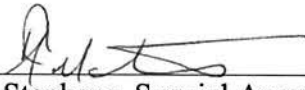
16. On May 31, 2020, at approximately 2:21 a.m., Chicago police officers arrested RUPERT and his associates for violating the City of Chicago's emergency curfew order. Incident to his arrest, law enforcement officers searched RUPERT'S vehicle, and recovered several destructive devices consistent with that described in Paragraph 9. Law enforcement officers also recovered a hammer, a heavy-duty flashlight, and cash.


17. One of RUPERT'S associates identified herself as RUPERT'S live-in girlfriend. According to her, RUPERT travelled with a group of individuals to Minneapolis in order to "riot." RUPERT'S posted videos confirm that he did in fact travel with a group of associates. She apparently met up with RUPERT on May 30, 2020, and confirmed that RUPERT was wearing red and white shoes—which appears consistent with the shoes RUPERT is wearing in his May 29, 2020 video, described in Paragraph 7.

18. Your affiant requested a preliminary analysis to confirm what type of device RUPERT appears to hand to other individuals in the May 29, 2020 video. A preliminary review of RUPERT'S video by a Special Agent Bomb Tech confirms that the devices are as described in Paragraph 9, which meets the definition of a destructive device in 26 U.S.C. § 5845(f). The possession of such a destructive device requires federal registration.

19. A record search determined that no destructive device or explosive is registered to RUPERT in the National Firearms Registration and Transfer Record.

Further your affiant sayeth not.


F.M. Stephens, Special Agent
Federal Bureau of Investigations

SUBSCRIBED and SWORN to before me *by reliable electronic*
this 1 day of June, 2020. *means (FaceTime + email)*
 *PURSUANT TO*
The Honorable Becky R. Thorson *Fed. R. Crim. P. 41*
United States Magistrate Judge